

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00154

TURNER DAVID STOKES

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 6, 2005, the United States of America appeared by Joanne M. Vella, Assistant United States Attorney, and the defendant, Turner David Stokes, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Keith E. Zutaut, the defendant having commenced a three-year term of supervised release in this action on February 23, 2004, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on December 30, 2002.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed cocaine as evidenced by a positive urine screen submitted by him on July 23, 2004, as acknowledged by him to the probation officer and as also acknowledged by him on a voluntary admission form; (2) that the defendant failed to advise the probation officer within ten days prior to change of residence or employment in that he was fired from his employment at Burger King in Greensboro, North Carolina, on March 26, 2005, and never notified his probation officer of the change and repeated attempts by the probation officer to contact the defendant at the residence address provided by him were unsuccessful rendering his whereabouts unknown; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not

revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

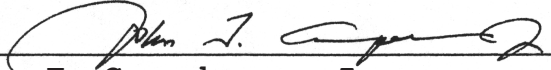
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS to be followed by a term of THIRTY (30) MONTHS supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime. It is further ORDERED that, with respect to defendant's six-month term of imprisonment, he shall receive credit for time served while in custody awaiting hearing and sentencing from June 25, 2005, to October 6, 2005.

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The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 31, 2005



John T. Copenhaver, Jr.
United States District Judge